

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

SUNQUEST PROPERTIES, INC.
AND COMPASS POINTE APARTMENTS PARTNERSHIP

PLAINTIFFS

V.

CIVIL ACTION NO. 1:08cv692-LTS-RHW

NATIONWIDE PROPERTY AND CASUALTY COMPANY
AND JOHN DOES 1-5

DEFENDANTS

ORDER

By [225] Order dated March 9, 2010, the Court appointed an umpire and established a deadline for the appraisal process to be completed. Fearing a similar outcome as in *Sunquest Properties, Inc., et al. v. Nationwide Property and Casualty Co., et al.*, No. 1:08cv687, in which there was not an agreement by two members of the appraisal panel as to the amount of damages sustained from all causes by the insured property during Hurricane Katrina, Plaintiffs have asked the Court [226] to be allowed “to withdraw their request for appraisal in this matter in order to preserve the resources of the parties.” Defendant Nationwide [227] “does not oppose Plaintiffs’ request . . . [and] further agrees that the Court should vacate its August 10, 2009 Order requiring an appraisal.”

Based on Plaintiffs’ request for relief and the fact that it is not opposed, the Court will accordingly **ORDER** that Plaintiffs’ [226] Motion to Withdraw Appraisal is **GRANTED**, and that the Court’s [78] Order granting Plaintiffs’ [36] Motion for Appraisal of the Entire Loss is hereby **VACATED**, except to the extent that it is **ORDERED** that the parties shall bear equally the fees and expenses incurred to date by the Umpire appointed by the Court [225]. This cause of action will not be delayed further, and shall proceed in a manner consistent with the Text Only Order entered on March 10, 2010.

SO ORDERED this the 31st day of March, 2010.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE